

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DONNIE PRATOLA,

Petitioner,

v.

THOMAS SULLIVAN, et al.,

Respondents.

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Civil No. 08-2417 (NLH)

ORDER

It appearing that:

1. On May 16, 2008, the Clerk of the Court received the above Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 and an application to proceed in forma pauperis.

2. By Order entered August 27, 2008, this Court construed the Petition as challenging a decision of the New Jersey State Parole Board denying parole, dated June 21, 2006. The Court determined that the Petition is subject to dismissal without prejudice as unexhausted because the Petition does not assert facts showing that Petitioner exhausted available state court remedies by appealing the June 21, 2006, final decision of the New Jersey State Parole Board to the Appellate Division of the Superior Court of New Jersey and to the New Jersey Supreme Court. The Court gave Petitioner 30 days from the date of the entry of the Order to show why the Petition should not be dismissed without prejudice as unexhausted.

3. By letter [docket entry #6] dated September 4, 2008, Petitioner states that officials at Bayside State Prison have limited his access to the prison library to a one and one-half hour period, one day per week. Petitioner further asserts that he needs access to the law library at least four days per week “to continue [his] Plight to Justice.” Petitioner asks this Court to direct

officials at Bayside State Prison to allow him access to the law library at least four nights each week. Alternatively, Petitioner asks this Court to appoint counsel to represent him.

4. Petitioner does not need to conduct legal research to respond to this Court's Order and to show that he appealed the June 21, 2006, final decision of the New Jersey State Parole Board to the Appellate Division of the Superior Court of New Jersey and to the New Jersey Supreme Court.

5. The appointment of counsel at this time is not in the interest of justice. See 28 U.S.C. § 2254(h); 18 U.S.C. § 3006A.

IT IS therefore on this 6th day of October, 2008,

ORDERED that Petitioner's letter request [docket entry 6] for an order directing officials to provide additional access to the law library is denied; and it is further

ORDERED that Petitioner's letter request for appointment of counsel is denied without prejudice.

s/Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

At Camden, New Jersey